

1 JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

2 BRIAN J. STRETCH (CASBN 163973)
3 Chief, Criminal Division

4 MATTHEW L. McCARTHY (CASBN 217871)
5 Assistant United States Attorney

6 450 Golden Gate Avenue
7 San Francisco, California 94102
Telephone: (415) 436-7200
Facsimile: (415) 436-7234
Email: Matthew.McCarthy@usdoj.gov

8 Attorneys for the United States

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 09-0523-WHA
14 Plaintiff,)
15 v.)
16 VIRGINIA ROBERSON,)
17 Defendant.)
18 _____)

**STIPULATION AND ~~PROPOSED~~
PROTECTIVE ORDER RE:
DISCLOSURE OF SAN FRANCISCO
POLICE DEPARTMENT CRIME
LAB INFORMATION**

19
20 With the agreement of the parties, and with the consent of the defendant, the Court
21 enters the following order:

22 Defendant Virginia Roberson has requested information regarding the San
23 Francisco Police Department Crime Lab and the United States is willing to produce
24 information on that subject. The United States has obtained numerous documents from
25 the San Francisco Police Department regarding the crime lab that it intends to produce.
26 These documents contain, among other things, internal personnel files, reports of
27 investigations, and other sensitive and personal information. Accordingly, the United
28 States requests, and, defendant agrees, that disclosure of these materials be subject to the

1 following restrictions:

2 1. Except when being actively examined for the purpose of the preparation of
3 the federal defense of defendant in the above-captioned case, the information produced by
4 the United States to defense counsel shall be maintained in a locked safe, secure drawer,
5 or cabinet, which is accessible only to defense counsel and counsel who are members of
6 their case preparation teams working with them in the federal criminal defense of the
7 defendant. Defense counsel and members of their case preparation team shall not permit
8 any person access of any kind to the information except as set forth below.

9 2. The following individuals may examine the information for the sole
10 purpose of preparing the federal defense of defendant in the above-
11 captioned case and for no other purpose:

12 a. Counsel for the defendant, Jennifer Schwartz;
13 b. Persons employed, or who have been contracted to work on this
14 case, by defense counsel who are assisting with the preparation of
15 defendant's federal defenses in the above-captioned case;
16 c. Any expert(s) retained on behalf of defendant to assist in the federal
17 defense of the above-captioned case;
18 d. Any investigator(s) retained on behalf of defendants to assist in the
19 federal defense of the above-captioned case; and
20 e. Defendant Virginia Roberson, who may examine the information
21 only in the presence of counsel, and who may not personally receive
22 or keep any copies of the information.
23 f. Counsel for the defendant shall maintain a log of any copies made,
24 provided, and/or examined to or by any of the aforementioned
25 individuals, which log shall include the document(s) copied or
26 examined and the person(s) provided to for each copy made.

27 3. A copy of this order shall be maintained with the information at all times.

28 4. All individuals who receive access to the materials pursuant to this Order,

1 prior to receiving access to the materials, shall sign a copy of this order
2 acknowledging that:

- 3 a. They have reviewed the order;
- 4 b. They understand all its contents;
- 5 c. They agree that they will only access the information for the
6 purposes of preparing a federal defense for defendant in the above-
7 captioned case;
- 8 d. They understand that failure to abide by this order may result in
9 sanctions by this Court and criminal charges for contempt.

- 10 5. With regard to the orders signed pursuant to paragraph 4, counsel for
11 defendant shall promptly file signed copies of the order, ex parte and under
12 seal. The United States shall have no access to these signed copies without
13 further order of the Court.
- 14 6. No other person may be allowed to examine the material without further
15 court order. Examination of the information shall be done in a secure
16 environment which will not expose the materials to other individuals not
17 listed above.
- 18 7. Other than the copies authorized and logged in paragraph 2, no copies of
19 any of the information may be made without further court order.
- 20 8. Any pleadings that include or make reference to the information, or the
21 above-described orders or their contents, shall be filed under seal, absent
22 express written stipulation by the parties.
- 23 9. No person who has access to the information shall inform any individual
24 not listed above as to the contents of the information disclosed in any
25 manner, form, or fashion, whether written or oral. This obligation shall
26 include suggesting in any way to an uncovered individual that any
27 particular document has been provided.
- 28 10. Counsel for the defendant, within five court days of the conclusion of the

1 above-captioned proceedings before the district court shall retrieve all
2 copies made of all documents provided to anyone pursuant to this order and
3 maintain them in a secure environment which will not expose the materials
4 to any other person. By the same time, counsel for the defendant shall also
5 file under seal and ex parte the log described in Paragraph 2.f. The United
6 States shall have no access to this log without further order of the Court.
7 By the same time, counsel for the defendant shall also file a sworn
8 declaration indicating that all copies of the aforementioned materials have
9 been retrieved and maintained in a secure environment which will not
10 expose the materials to any other person. If the defendant believes that any
11 of these materials must be released to any other person for any reason
12 related to appeal, the defendant must seek authorization from the District
13 Court.

14
15 IT IS SO STIPULATED:

16 JOSEPH P. RUSSONIELLO
17 United States Attorney

18 DATED: June 22, 2010

19 By: /s/
20 MATTHEW L. McCARTHY
21 Assistant United States Attorney

22 DATED: June 22, 2010

23 /s/
24 JENNIFER SCHWARTZ
25 Attorney for VIRGINIA ROBERSON

26 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted
27 as set forth above.

28 DATED: June 23, 2010.

Protective Order
CR 09-0523-WHA

